

**THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

KARI PROSKIN,

Plaintiff,

v.

FOURSQUARE LABS, INC.,

Defendant.

Civil Action No. 3:23-cv-30078

**DECLARATION OF WADE WEGNER IN SUPPORT OF DEFENDANT
FOURSQUARE LABS, INC.'S MOTION TO DISMISS THE COMPLAINT**

I, Wade Wegner, declare as follows:

1. I am currently employed by Foursquare Labs, Inc. ("Foursquare"), and my title is Senior Vice President, Global Head of Product. In that capacity, I am familiar with the function of Foursquare's products, including Places API and Movement SDK, Foursquare's commercial relationship with Uber, Inc. ("Uber"), and with Foursquare's Consumer Services Privacy Policy. I am making this declaration based on my personal knowledge and my review of business records created and maintained by Foursquare in the ordinary course of business. I am over 18 years of age. I suffer from no legal disability. I have never been charged with, or convicted of, any felony or crime of moral turpitude. I have personal knowledge of the facts set forth herein and such facts are true and correct. If called as a witness, I could competently testify under oath to the matters described herein.

2. Attached hereto as **Exhibit A** is a true and accurate copy of Foursquare's Consumer Services Privacy Policy, dated August 14, 2023, and available at

<https://location.foursquare.com/legal/privacy-center/foursquare-privacy-policy-consumer-services/>.¹

3. Attached hereto as **Exhibit B** is a true and accurate copy of the webpage describing Uber's use of Places API, which is located at <https://location.foursquare.com/products/places-api/>.

4. Attached hereto as **Exhibit C** is a true and accurate copy of the webpage describing the "Find the top Places near you" function of Places API, which is located at <https://location.foursquare.com/products/places-api/>.

5. Attached hereto as **Exhibit D** is a true and accurate copy of the webpage describing the "Geotagging content & sharing" function of Places API, which is located at <https://location.foursquare.com/products/places-api/>.

6. Uber does not currently use, nor has Uber ever used, Foursquare's "Movement SDK" or "Pilgrim SDK."

7. Places API, the Foursquare product utilized by Uber, collects a user's geolocation data only to the extent necessary to fulfill Foursquare's role as a service provider. Foursquare does not sell any of the geolocation data collected with third parties. Places API provides location information and allows application functionality such as enabling users to "tag" the location of content shared in an application and highlighting top ranked points of interest based on the user's location. *See Exs. C, D.* By using Places API, the Uber Application can locate the name of a business when the application's user begins typing a location into the search bar. *See Ex. B.*

¹ A previous version of Foursquare's Consumer Services Privacy Policy, dated March 7, 2023, was in effect at the time the Complaint was filed. The two versions of Foursquare's Consumer Services Privacy Policy are nearly identical, and there are no substantive differences between the two versions for purposes of this declaration.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct.

Executed on September 13, 2023
Seattle, Washington.


Wade Wegner

CERTIFICATE OF SERVICE

I, Jennifer L. Chunias, hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 14, 2023.

/s/ Jennifer L. Chunias

Jennifer L. Chunias